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February 3, 2023

The Honorable Maryellen Noreika
U.S. District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *PureWick Corporation v. Sage Products, LLC*, C.A. No. 22-102-MN

Dear Judge Noreika:

In response to the Court's question at D.I. 85, PureWick does not believe that it matters if the Court adopts a construction with the word aggregate or collect for the substantive issues in this case or for addressing issue preclusion.

Sage, however, does believe the difference between "aggregate" and "collect" (and between "that aggregates" and "can collect") is significant for purposes of both infringement/noninfringement and validity/invalidity and PureWick's different and broader construction in this case impacts alleged collateral estoppel on Section 102/103 invalidity.

The parties conferred February 2, 2023 via webex at 10:30 am ET for approximately thirty minutes. On the call for plaintiff PureWick Corporation were Steve Cherny, Brian Biddinger, and Karen Keller. On the call for Defendant Sage Products, LLC were Anne Gaza, Samantha Wilson, and Christopher Scharff. The parties discussed the differences between their proposed constructions and their views regarding whether the proposed constructions would impact issue preclusion.

Respectfully submitted,

/s/ John W. Shaw

John W. Shaw (No. 3362)

cc: Clerk of the Court (via CM/ECF & Hand Delivery)
All Counsel of Record (via CM/ECF & Email)